



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> Street, S.W.**  
**Washington, D.C. 20554**

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**DA 14-1403**  
**Released: September 26, 2014**

**REQUEST FOR COMMENT ON**  
**PETITION FOR EXTENSION OF CLASS WAIVER OF COMMISSION'S RULES**  
**FOR ACCESS TO ADVANCED COMMUNICATIONS SERVICES AND EQUIPMENT**  
**BY PEOPLE WITH DISABILITIES**

**CG Docket No. 10-213**

**Comments Due: October 27, 2014**  
**Reply Comments Due: November 5, 2014**

The Coalition of E-Reader Manufacturers (the Coalition), pursuant to section 716(h)(1) of the Communications Act of 1934, as amended (the Act),<sup>1</sup> and sections 1.3 and 14.5 of the Commission's rules,<sup>2</sup> has filed a petition for an extension of a class waiver of the Commission's rules requiring equipment used for advanced communications services (ACS) to be accessible to and usable by individuals with disabilities.<sup>3</sup>

On January 28, 2014, in response to a petition filed by the Coalition, the Commission granted a waiver of its ACS accessibility rules, until January 28, 2015, for basic e-readers.<sup>4</sup> The Commission defined the class of basic e-readers to include any mobile electronic device that is capable of accessing advanced communications services, designed primarily for the purpose of reading text-based digital works, such as books and periodicals, and meets each of the following requirements:

- (1) The device has no LCD screen, but rather utilizes a screen that is designed to optimize reading.
- (2) The device has no camera.
- (3) The device is not offered or shipped to consumers with built-in ACS client applications and the device manufacturer does not develop ACS applications for its respective device, but the device may be offered or shipped to consumers with a browser and social media applications.

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<sup>1</sup> 47 U.S.C. § 617(h)(1).

<sup>2</sup> 47 C.F.R. §§ 1.3, 14.5.

<sup>3</sup> Petition for Waiver, CG Docket No. 10-213, filed September 4, 2014 (Coalition Petition). The Coalition consists of Amazon.com, Inc.; Kobo Inc.; and Sony Electronics Inc.

<sup>4</sup> *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010; Coalition of E-Reader Manufacturers' Petition for Class Waiver of Sections 716 and 717 of the Communications Act and Part 14 of the Commission's Rules Requiring Access to Advance Communications Services (ACS) and Equipment by People with Disabilities*, Order, 29 FCC Rcd 674 (CGB 2014) (*E-Reader Waiver Order*).

- (4) The device is marketed to consumers as a reading device and promotional material about the device does not tout the capability to access ACS.<sup>5</sup>

The Coalition seeks an ongoing extension of the waiver for basic e-readers.<sup>6</sup> The Coalition states that, although access to ACS is available through the e-reader browser,<sup>7</sup> e-readers are single-purpose reading devices that consumers use for accessing text-based works (*i.e.*, reading), not for other purposes, such as ACS.<sup>8</sup>

Comments and oppositions are due within 30 days from the date of this Public Notice. Reply comments are due within 10 days after the time for filing comments and oppositions has expired.

Permit-but-Disclose. The proceeding this Public Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>9</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Filing Instructions. Interested parties may file comments, oppositions, and reply comments on or before the dates indicated on the first page of this document.

- Electronic Filers: Comments and reply comments may be filed using the Commission’s Electronic Comment Filing System (ECFS)<sup>10</sup> by accessing <http://fjallfoss.fcc.gov/ecfs2/>.

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<sup>5</sup> *E-Reader Waiver Order*, 29 FCC Rcd at 682-683, ¶ 15. These characteristics distinguish basic e-readers from a broader class of devices, such as tablets, that have e-reader functions or features but are more commonly marketed and used for purposes associated with advanced communications services. *Id.*, 29 FCC Rcd at 682, ¶ 15.

<sup>6</sup> Coalition Petition at 2. The Coalition goes on to argue: “It is important to note that an ‘ongoing’ extension of the waiver is not a ‘permanent’ waiver. Rather than conducting a difficult and costly extension proceeding that necessarily entails speculation about technological development, such as this one, the Bureau would sensibly move to a rule-based approach in which the limitations derive from the class definition.” Coalition Petition at 13.

<sup>7</sup> Coalition Petition at 5.

<sup>8</sup> Coalition Petition at 2.

<sup>9</sup> 47 C.F.R. §§ 1.1200 *et seq.*

<sup>10</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

Availability of Documents. Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, CY-A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY). This *Public Notice* can also be downloaded in Word and Portable Document Format at <http://www.fcc.gov/encyclopedia/advanced-communications-services-acs>.

Additional Information. For additional information on this proceeding, please contact Eliot Greenwald, 202-418-2235, or e-mail [eliot.greenwald@fcc.gov](mailto:eliot.greenwald@fcc.gov); or Rosaline Crawford, 202-418-2075, or e-mail [rosaline.crawford@fcc.gov](mailto:rosaline.crawford@fcc.gov), of the Consumer and Governmental Affairs Bureau.

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